

REMARKS

Claims 1 – 9 are pending in the application. Applicants cancel claims 1 – 3 and 5 – 8 without prejudice or disclaimer, represent canceled claims 2, 5 and 6 respectively as independent claims 10 – 12, and amend Claim 9. No new matter is added.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 3, 7, and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,791,665 to Bogart et al. Claims 2, 4 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bogart in view of in view of either of U.S. Patent No. 6,091,808 to Wood et al. or U.S. Patent No. 6,148,067 to Leipow. Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bogart in view of U.S. Patent No. 5,550,915 to Partridge. Claims 1, 3, 7, and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,19,791 to Pokress. Applicants respectfully traverse these rejections.

In independent claims 9 - 12, Applicants respectively claim an exchange and computer readable medium storing program code for controlling an exchange, the exchange including a part for receiving a telephone number of a called party, a part for selecting a network from a plurality of connectable networks including the Internet based on the called number and connecting to the selected network, and a part for calling the telephone terminal via a network other than the Internet and connecting to the network is response to a predetermined operation by a caller during a telephone call via the Internet.

Bogart discloses an interexchange carrier access selection that enables an exchange to select an interexchange carrier network on the basis of an interexchange call origination. Pokress discloses a least cost call routing system and method enabled by a user-specific database of

carriers and associated billing rates stored on the user's PC. Wood and Leipow each disclose call control methods in which a telephone to computer or telephone to telephone connection can be initiated via a web browser interface. Partridge discloses a telephone apparatus enabling a caller to select a carrier for a telephone call. However, in sharp contrast to Applicants' claimed invention, none of the cited references alone or in combination provide means for a caller to operate a telephone terminal by predetermined operation to switch a telephone call in progress and currently connected via the Internet to another non-Internet network for improved voice quality.

The Examiner acknowledges that Bogart fails to teach or suggest this claimed feature of Applicants' invention, and suggests that the feature is disclosed by either of Wood and Leipow. Wood teaches using a web browser to initiate a caller from a subscriber's telephone to and a telephone number displayed on the browser (see, e.g., column 6, lines 42 – 55 of Wood). Leipow teaches using a computer interface to control a voice bridged on a voice communication network. However, neither Wood nor Leipow teach or suggest Applicants' claimed feature, in which a predetermined operation by a caller operating a telephone terminal in a telephone call over the Internet causes selection of a non-Internet network for continuing the call.

C (arm's
2 + 10

In addition, this claimed feature is neither taught nor suggested by either of Partridge and Pokress. Partridge discloses a key telephone with buttons for automatically selecting an IXC access code prefix at the time of dialing. Pokress discloses a customized database maintained on a subscriber's PC for determining low-cost routing. Neither reference discloses or suggests Applicants' claimed means by a predetermined operation by a caller operating a telephone terminal in a telephone call over the Internet to select a non-Internet network for continuing the call.

For the reasons cited above, Applicant respectfully submits that independent claims 9 – 12 are not made obvious by any combination of the cited references, and are therefor allowable.

As claim 4 depends from allowable claim 10, Applicants submit that claim 4 is allowable for at least this reason.

CONCLUSION

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 4 and 9 – 12, consisting of independent claims 9 -12, and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, she is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,



Thomas J. Bean
Reg. No. 44,528

CUSTOMER NUMBER 026304

Katten Muchin Zavis Rosenman
575 Madison Avenue
New York, NY 10022-2585
(212) 940-8729
Docket No.: FUJI 16.863 (100794-09729)
TJB:pm